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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EDWARD TYRONE MALONE,
Petitioner,
v.
Warden MONTGOMERY,
Respondent.

Case No. 15-cv-04831-SI

ORDER OF TRANSFER

Re: Dkt. No. 1

Petitioner, who was convicted in Contra Costa County Superior Court and now is incarcerated at the Calipatria State Prison, has filed a petition for writ of habeas corpus in which he contends he is being held in custody beyond the maximum length of his indeterminate life term of imprisonment. He challenges the Board of Parole Hearings' decision finding him unsuitable for parole and the failure of the California Department of Corrections and Rehabilitations release him. The petition challenges the execution of his sentence. The prison at which petitioner is incarcerated is in Imperial County, within the venue of the Southern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence. *See Habeas L.R. 2254-3(a); Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). Because petitioner is now confined in the Southern District of California and challenging the execution of his sentence, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this action is TRANSFERRED to the United States District

1 Court for the Southern District of California. The clerk shall transfer this matter forthwith.

2 **IT IS SO ORDERED.**

3 Dated: December 28, 2015

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5 SUSAN ILLSTON
6 United States District Judge

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United States District Court
Northern District of California